

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
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FOURTH EDITION.

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WITH SUPPLEMENTS,  
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF  
THE LEGISLATIVE SESSION OF 1883.

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## CHAPTER LXIX.

## MARRIED WOMEN.\*

## SECTION.

1. Their property rights.
2. Their power to contract—liabilities on contracts and for torts—contracts affecting real estate.
3. Husband and wife not liable for each other's debts.

## SECTION.

4. Contracts between husband and wife.
5. Proceedings to debar guilty husband or wife from interest in the other's property, in case of desertion, etc.
6. Ante-nuptial contracts—husband's liability for wife's torts.

\*§ 1. **Property rights of married women.** All property, real, personal and mixed, and choses in action, owned by any married woman, or owned or held by any woman at the time of her marriage, shall continue to be her separate property notwithstanding such marriage; and any married woman may, during coverture, receive, take, hold, use and enjoy property of any and every description, and the rents, issues and profits thereof, and all avails of her contracts and industry, free from the control of her husband; and from any liability on account of his debts, as fully as if she were unmarried. (1869, c. 56, § 1.)

22 M. 29, 34.

\*§ 2. **Their power to contract—liabilities on contracts and for torts—contracts affecting real estate.** A married woman shall be bound by her contracts, and responsible for torts committed by her, and her property shall be liable for her debts and torts, to the same extent as if she were unmarried. Any married woman shall be capable of making any contract, either by parol or under seal, which she might make if unmarried, and shall be bound thereby; except that no conveyance or contract for the sale of real estate, or of any interest therein, by a married woman, other than mortgages on lands to secure the purchase-money of such lands, and leases for terms not exceeding three years, shall be valid, unless her husband shall join with her in such conveyance, save as provided in section five of this chapter as amended: *provided*, that if her husband is an insane person, she may make such conveyance or contract by joining therein with the guardian of such insane person; and no right to an estate by the curtesy shall attach as against a mortgage given by a married woman to secure the purchase-money of the land so mortgaged. (*Id.* § 2, as amended 1878, c. 25, § 1.)

20 M. 219; 23 M. 337.

\*§ 3. **Husband and wife not liable for each other's debts.** No married woman shall be liable for any debts of her husband, nor shall any married man be liable for any debts or contracts of his wife, entered into either before or during coverture, except for necessities furnished to the wife after marriage, where he would be liable at common law. (*Id.* § 3.)

\*§ 4. **Contracts between husband and wife.** No contract between a husband and wife, the one with the other, relative to the real estate of either or any interest therein, shall be valid, nor shall any power of attorney or other authority from the one to the other to convey real estate or any interest therein be of any force; but in relation to all other subjects either may be constituted the agent of the other, or contract each with the other, as fully as if the relation of husband and wife did not exist. But in all cases where the rights of creditors or purchasers in good faith come in question, the husband shall be held to have notice of the contracts and debts of his wife, and the wife shall be held to

\*An act to amend chapter sixty-nine of the General Statutes, entitled "Married Women." Approved March 5, 1869. (Laws 1869, c. 56.) This act entirely supersedes Gen. St. c. 69.

have notice of the contracts and debts of her husband, as fully as if a party thereto. (1869, c. 56, § 4.)

\*§ 5. **Desertion, etc., by husband or wife—proceedings to debar guilty party from interest in property of the other.** Whenever a married man shall be deserted by his wife, or a married woman shall be deserted by her husband, for the space of one year, or whenever he or she would, for any cause, be entitled to a divorce from such husband or wife under the laws of this state, he or she may bring an action in the district court of the proper county, asking for a decree which shall debar him or her so deserting or furnishing grounds for a divorce, from any right or estate, by the curtesy or in dower, or otherwise, as the case may be, in or to his or her lands, and which will give such husband or wife, full authority to aliene, sell and convey, and dispose of his or her lands, without the interference of or signature of the husband or wife so deserting, or being guilty of acts which would entitle the person bringing such action to a divorce; and the court may grant such decree whenever it shall appear just or expedient; and thereupon the husband or wife shall have full control of his or her real estate, with power to convey the same without the husband or wife joining in the conveyance, and as fully as if he or she were unmarried; or the court may, by such decree, make such limitations on the power to convey such real estate as may seem meet and proper in the premises. A certified copy of such decree may be recorded in the deed records in the office of the register of deeds of any county wherever such lands, or any part thereof, may be situated. (*Id.* § 5, as amended 1874, c. 66, § 1.)

22 M. 348.

\*§ 6. **Ante-nuptial contracts—husband's liability for wife's torts.** Nothing in this act shall be construed to affect ante-nuptial contracts or settlements, nor to exempt a husband from liabilities for torts committed by his wife. (*Id.* § 6.)

CHAPTER LXX.

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